

ASSEMBLY BILL

No. 999

Introduced by Assembly Member Jerome Horton

February 20, 2003

An act to add Section 1367.69 to the Health and Safety Code, to add Section 10119.4 to the Insurance Code, and to add Section 14132.27 to the Welfare and Institutions Code, relating to health care.

LEGISLATIVE COUNSEL'S DIGEST

AB 999, as introduced, Jerome Horton. Medi-Cal: dental fillings.

Existing law provides for the regulation of health care service plans by the Department of Managed Health Care, under the direction of the Director of Managed Health Care.

This bill would require the director to request, in writing, health care service plans doing business in the state to require plan providers to allow health care plan enrollees to elect to receive alternatives to mercury-based fillings.

Existing law provides for the regulation of disability insurers providing health care coverage by the Insurance Commissioner.

This bill would require the Insurance Commissioner to request, in writing, disability insurers doing business in the state that provide dental care coverage to allow a covered individual to elect to receive alternatives to mercury-based fillings.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services, pursuant to which medical benefits are provided to public assistance recipients and certain other low-income persons.

Existing law includes emergency and essential diagnostic and restorative dental services, and dental prophylaxis cleanings and dental

examinations within the scope of benefits that may be provided to eligible recipients under the Medi-Cal program.

This bill would authorize Medi-Cal recipients to elect to receive alternatives to mercury-based dental fillings under the Medi-Cal program, would require participating dentists to post a notice regarding exposure to mercury in dental fillings, and would require the Insurance Commissioner to request, in writing, insurance companies to allow enrollees to elect to receive alternatives to mercury-based fillings.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The major ingredient of amalgam fillings, 45 to 54 percent,
4 according to the Dental Board of California, is mercury, a toxin
5 known to the State of California to cause reproductive harm or
6 birth defects. The common term “silver” filings is inaccurate
7 because there is substantially more mercury than silver in these
8 fillings.

9 (b) Mercury-based dental fillings, known as amalgam or
10 “silver” are a subject of increasing health and environmental
11 controversy. On January 7, 2003, an order of the Superior Court
12 of the City and County of San Francisco required Proposition 65
13 notices to be provided to all California dentists to make all
14 consumers aware that amalgam fillings cause exposure to
15 mercury. On December 31, 2002, the United States Food and Drug
16 Administration published the recommendations of the
17 Government of Canada, that children, pregnant women, and
18 people with kidney problems or mercury allergies not receive
19 mercury fillings.

20 (c) Alternatives to mercury-based dental fillings are available
21 for any filling. Studies show that about one-fourth of dentists never
22 place mercury-based dental fillings.

23 (d) Consumers of California, therefore, need the right to
24 choose alternatives to mercury-based dental fillings.

25 (e) Low-income consumers lack this right, because the
26 Medi-Cal program often only pays for mercury-based dental



1 fillings, even for children and pregnant women for whom the state
2 and federal government have now issued warnings.

3 (f) Insured Californians often also lack this right, because some
4 insurance plans provide coverage for mercury fillings only in back
5 teeth.

6 (g) The Dental Board of California enacted a resolution urging
7 state policies that give low-income consumers the same choices in
8 dental fillings as those enjoyed by all other consumers.

9 SEC. 2. Section 1367.69 is added to the Health and Safety
10 Code, to read:

11 1367.69. The director shall, in writing, request health care
12 service plans doing business in the state to require plan providers
13 to allow health care plan enrollees to elect to receive alternatives
14 to mercury-based fillings.

15 SEC. 3. Section 10119.4 is added to the Insurance Code, to
16 read:

17 10119.4. The Insurance Commissioner shall, in writing,
18 request any insurer doing business in this state that provides dental
19 care coverage to allow a covered individual to elect to receive
20 alternatives to mercury-based fillings.

21 SEC. 4. Section 14132.27 is added to the Welfare and
22 Institutions Code, to read:

23 14132.27. (a) Any beneficiary under this chapter, when
24 receiving dental services that include the provision of dental
25 fillings, may elect to receive dental fillings that are alternatives to
26 mercury-based dental fillings.

27 (b) No provider shall claim a higher rate of reimbursement for
28 alternative fillings provided to a Medi-Cal beneficiary who makes
29 an election under subdivision (a) than the amount charged for
30 providing dental services with Mercury-based dental fillings.

31 (c) Any dentist who participates in the Medi-Cal program shall
32 post, in a conspicuous place, the Proposition 65 notice approved
33 by the Superior Court for the City and County of San Francisco on
34 January 7, 2003.

